

**LEGISLATIVE SERVICES AGENCY
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FISCAL IMPACT STATEMENT

LS 6110
BILL NUMBER: SB 422

NOTE PREPARED: Oct 14, 2010
BILL AMENDED:

SUBJECT: Requiring Identification for Alcohol Purchases.

FIRST AUTHOR: Sen. Hume
FIRST SPONSOR:

BILL STATUS: As Introduced

FUNDS AFFECTED: X GENERAL
X DEDICATED
FEDERAL

IMPACT: State & Local

Summary of Legislation: The bill makes it a Class B misdemeanor for an alcoholic beverage permittee or an employee or agent of the permittee to recklessly, knowingly, or intentionally sell, barter, exchange, provide, or furnish another person who, in the opinion of the permittee or the employee or agent of the permittee, appears to be less than twenty-seven (27) years of age, an alcoholic beverage for consumption off the licensed premises without first requiring the person to produce certain proof that the person is 21 years of age.

(Current law makes it a Class B misdemeanor for an alcoholic beverage permittee or an employee or agent of the permittee recklessly, knowingly, or intentionally sell, barter, exchange, provide, or furnish another person an alcoholic beverage for consumption off the licensed premises without first requiring the person to produce certain proof that the person is 21 years of age.)

It provides that the driver's license, government-issued identification card, or government-issued document may be expired or unexpired. The bill also provides that it is a defense to a charge of unlawfully furnishing an alcoholic beverage to a minor that the person who purchased the alcoholic beverage produced an expired or unexpired driver's license, government-issued identification card, or government-issued document.

(Current law does not specify whether the driver's license, government-issued identification card, or government-issued document may be expired for the permittee to offer the defense.)

Effective Date: July 1, 2011.

Explanation of State Expenditures:

Explanation of State Revenues: The bill could potentially reduce the number of alcoholic beverage permittees or employees or agents of a permittee convicted of recklessly, knowingly, or intentionally selling, bartering, exchanging, providing, or furnishing an alcoholic beverage to another person, a Class B misdemeanor. The bill removes a criminal or administrative defense that the individual receiving the alcoholic beverage reasonably appeared to be more than 50 years of age, and instead makes the reasonable appearance of the person as over 27 years of age an element of the crime. Any reduction is expected to be minimal. No misdemeanor charges have been filed at the state level since this offense was effective on July 1, 2010.

If fewer court cases occur and fines are collected, revenue to both the Common School Fund and the state General Fund would decrease. The maximum fine for a Class B misdemeanor is \$1,000. Criminal fines are deposited in the Common School Fund.

For cases filed in a circuit, superior, or county court, 70% of the \$120 court fee that is assessed and collected when a guilty verdict is entered would be deposited in the state General Fund. If the case is filed in a city or town court, 55% of the fee would be deposited in the state General Fund. In addition, some or all of the document storage fee (\$2), automated record keeping fee (\$7), judicial salaries fee (\$18), public defense administration fee (\$3), court administration fee (\$5), judicial insurance adjustment fee (\$1), and the DNA sample processing fee (\$1) are deposited into the state General Fund.

Explanation of Local Expenditures: A Class B misdemeanor is punishable by up to 180 days in jail. The average daily cost to incarcerate a prisoner in a county jail is approximately \$44.

Explanation of Local Revenues: If additional court actions occur and a guilty verdict is entered, local governments would receive revenue from the following sources: The county general fund would receive 27% of the \$120 court fee that is assessed in a court of record. Cities and towns maintaining a law enforcement agency that prosecutes at least 50% of its ordinance violations in a court of record may receive 3% of court fees. If the case is filed in a city or town court, 20% of the court fee would be deposited in the county general fund and 25% would be deposited in the city or town general fund. In addition, several additional fees may be collected at the discretion of the judge and depending upon the particular type of criminal case.

State Agencies Affected: Alcohol and Tobacco Commission.

Local Agencies Affected: Trial courts, local law enforcement agencies.

Information Sources: E. Dunsmore, Alcohol and Tobacco Commission.

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